

Exhibit L

Katherine Haas

From: Joyce, Kimberly (Law) <[REDACTED]@law.nyc.gov>
Sent: Thursday, December 8, 2022 1:36 PM
To: Debbie Greenberger; 'Powell, Jeffrey K. (USANYS) 4'; Katherine Haas
Cc: Jonathan S. Abady; Kayla Simpson; David Billingsley; Nairuby Beckles; 'Nunez-NYC'; Steve Martin; Guillaume, Melissa; Mary Lynne Werwas; Sana Mayat; Anna Friedberg; Hendy, Cherae; Wolecki, Hilary; Baranchuk, Victoriya; Shechtman, Paul (DOC); Iodice, Ashley (Law); Neufeld, Sheryl (Law); Mooklal, Stefan (LAW); 'Eshkenazi, Lara (USANYS)'; Maginley-Liddie, Lynelle; Nairuby Beckles
Subject: RE: [EXTERNAL] Motion for contempt re intake tracking

Debbie,

We'll send you our response for the status letter regarding your motion request by tomorrow morning. But, in light of our meet and confer, answers, and agreement to do the upcoming site visit, and the Court's own words about a possible contempt motion at the conference being inaction or bad faith, we hope you will reconsider and instead say that the parties are collaborating and a further update will be provided following the tour. Our responses clearly demonstrate that the Department has taken steps to quickly respond to the articulated concerns and will be continuing to take meaningful steps to ensure a reliable tracking system is in place in the coming weeks. Responding to a motion seeking contempt for past actions will serve no concrete purpose other than to take valuable time away from the Department's efforts to get steady staff trained, the new Dashboard up and running, and an audit system in place.

1. Please confirm whether or not a captain has been assigned as steady staff for supervisory purposes at EMTC intake. **Yes, there is a steady captain assigned to EMTC intake.**
2. You explained on Thursday that DOC plans to have NCU perform audits of intake processes at EMTC, but did not confirm how often these audits would be performed or what they would entail. Please provide that information. If decisions on those items have not yet been made, please specify that, and let us know when a decision is expected. **IT is currently making updates to the Dashboard system and an audit is anticipated to begin in January once the updates are completed and people have been re-trained on the updated Dashboard. The Department is still evaluating the frequency of the audits moving forward. We will provide you with a result of the audit in the Department's compliance report in the first week of February 2023.**
3. We also discussed on Thursday the need for DOC to track intake processes for people who are not new admissions, who are held in intakes outside EMTC. You explained that you had been focused on new admissions in the last few weeks and had not prepared complete information regarding intake processes for people who are not new admissions. Please provide us with information regarding when reliable tracking will be possible for non-new-admission intake outside of EMTC, and what that tracking will entail. If you do not have that information yet, please specify that, and let us know when you expect to be able to provide answers to these questions. **The Department is presently evaluating the Inmate Tracking System, a separate database from the Inmate New Admission Dashboard, and will work with stakeholders to implement any necessary updates.**
4. Our best understanding after our call on Thursday was that moving forward, there will be four possible reasons why DOC believes it is entitled to "stop the clock" while someone is in intake: 1) the person goes to court; 2) the person goes to a hospital external to CHS; 3) the person refuses to complete the intake process; and 4) the person is bailed out. Can you confirm if this list is correct? **YES** In addition, can you please confirm whether or not there were any additional or different reasons DOC previously "stopped the clock," and if so, what those reasons were? **MH referrals and medical referrals to NIC. Finally, when did the new "stop the clock" reasons go into effect? The Department is in the process of training staff to ensure that they are no longer stopping the clock for the reasons indicated above; once the new inmate tracking system is revised, those criteria will be removed and not an option for stoppages.**

5. Please confirm whether or not DOC claims the DOC staff who altered individuals' intake times in or around June 2022, as described in an email from the BOC to Warden Harvey on June 16, 2022, did so to "stop the clock" for those individuals. If so, please confirm what exceptions DOC claims were applicable. Please also confirm whether alterations of intake time like those described in the June 16 email are the proper method for documenting a "stopping of the clock" under current DOC policy. If it is not, please describe the proper method under current DOC policy, and provide that policy. **The investigation determined that incorrect information as to custody time (when the incarcerated individual came into DOC custody at the courthouse) was entered into the intake dashboard. It was determined, however, that the errors resulted from lack of training (none of the five officers were trained on the dashboard) and lack of staffing (untrained officers entered data because of staff shortages, and not trained officers). After review, no disciplinary action was taken against the officers. The five officers are no longer operating or inputting information into the dashboard, and all officers who are operating the dashboard – the steady MMR staff - are undergoing training.**
6. Please confirm the status of any investigation(s) into the alteration of intake times by DOC staff in or around June 2022, as described in the email from the BOC to Warden Harvey on June 16, 2022, and any disciplinary charges or action DOC has lodged against staff members. **See Comment #5.**
7. On Thursday, you offered to allow us to tour EMTC intake on Friday, and stated you would confirm via email. Please advise us of when we can tour. **Law has offered Friday, December 16th in the morning for a tour of EMTC intake.**

Thank you,

Kim

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From: Debbie Greenberger [REDACTED] >
Sent: Thursday, December 8, 2022 12:29 PM
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Cc: Jonathan S. Abady <[REDACTED]>; Simpson, Kayla <[REDACTED]>; Billingsley, David [REDACTED]; 'Steve Martin' [REDACTED]; Nairuby Beckles [REDACTED]; 'Nunez-NYC' [REDACTED]; Guillaume, Melissa [REDACTED]; Werlwas, Mary Lynne [REDACTED]; Hasty, Cherae [REDACTED]; Sana Mayat [REDACTED]; 'Anna Friedberg' <[REDACTED]>; Wolecki, Hilary [REDACTED]; Baranchuk, Victoriya [REDACTED]; Shechtman, Paul (DOC) [REDACTED]; Iodice, Ashley (Law) [REDACTED]; Neufeld, Sheryl (Law) [REDACTED]; Mooklal, Stefan (LAW) [REDACTED]; 'Eshkenazi, Lara (USANYS)' [REDACTED]; Nairuby Beckles <[REDACTED]>; Maginley-Liddie, Lynelle [REDACTED]
Subject: [EXTERNAL] Motion for contempt re intake tracking

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Kim and all,

As you know, the Court asked us to submit a joint letter by tomorrow concerning Plaintiff's anticipated motion for contempt concerning the intake overstay issue. From the information provided by the City/DOC to date, we remain convinced that the City is not complying with its obligation to have a "reliable system to track and record the amount of time any incarcerated individual is held in Intake and any instance when an individual remains in Intake for more than 24 hours" by November 15, 2021. Second Remedial Order (Dkt. No. 398) ¶ 1(i)(c). We will ask the Court to set a briefing schedule and will propose 12/15 for our brief. Please let us know the City's position that we should share with the Court in tomorrow's letter and what date you will seek to respond to our motion.

Best
Debbie

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she/her
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